
MEDIA ADVISORY

Louisiana
Department of State



Al Ater
Secretary of State

P.O. Box 94125
Baton Rouge, LA 70804-9125
Email: Jennifer.Marusak@sos.louisiana.gov

Jennifer Marusak
Confidential Assistant
Telephone: (225) 342-4479

December 19, 2005

ATER SAYS ORLEANS ELECTIONS WILL BE HELD AS SOON AS POSSIBLE

BATON ROUGE, LA – Secretary of State Al Ater wants to make it clear that the Orleans Municipal elections will be held as soon as possible. At a press conference Monday afternoon he introduced a timeline of activities that are necessary before carrying out the elections.

“I recommended for the elections not to be held on Feb. 4, but that they be held as soon as possible, but no later than Sept. 30,” Ater said. “The Sept. 30 date was intended as the absolute latest date. It was never intended to be the day of the election. The Elections Division of the Secretary of State, along with the Orleans’ Clerk of Court and Registrar of Voters, is working diligently to conduct these elections as soon as possible.”

Several obstacles must be overcome in order to carry out the Orleans elections, according to Ater.

Under Louisiana's Election Code, it is against the law to bring in poll workers from other parishes. Normally, the Orleans Parish Clerk of Criminal District Court has approximately 2,500 registered voters of Orleans Parish trained and available to serve as poll commissioners on Election Day. The Clerk recently sent notices to the commissioners and offered training for new commissioners, but only 167 residents have offered to serve or to be trained to serve as poll commissioners since the hurricane.

Also, some 300 of the 442 precincts in Orleans Parish have severe damage. Under current law, unless the local governing authority changes the location of these polling places, the Secretary of State can not allow an election to move forward unless they are all operable, including having electricity to operate the voting machines and sanitary facilities. The New Orleans City Council has not changed the location of the unavailable polling places. Nor has the Clerk determined the inaccessibility of the polling places and requested for the Secretary to issue a certificate of a state of emergency to allow for the relocation of polling places at the Clerk and City Council President’s recommendation.

Secretary Ater sought special legislation that was passed during the recently completed special session to allow him to write a specific plan to bring in commissioners from outside the parish and to provide for the location of polling places in absence of action by the City Council and the Clerk, provided the legislature, by mail ballot, and the United States Department of Justice approve such a plan.

“This is a process that could take up to 60 days to complete, once the U. S. Department of Justice approves the initial legislation,” Ater said. “I fully expect the U.S. Department of Justice to approve the initial legislation, but not until after first of the year. Then, and only then, can I begin taking the steps to ask for legislative approval of our plan. If legislative approval is granted, we then send the plan to the U.S. Department of Justice for approval. We would hope that if everything falls into place and approvals come swiftly from both the legislature and the U.S. Department of Justice we would be able to hold the election in either late April or early May.”

Under Louisiana's Election Code, a voter must apply to the registrar by letter, over his signature and set forth the reasons why he is qualified to vote an absentee mail ballot, or a voter may use the form provided on the Secretary of State's website, www.sos.louisiana.gov. A voter who registered by mail and has never voted in the parish before, is not qualified to vote by absentee mail ballot unless he appears in the registrar's office and establishes his identity pursuant to law before the week of early voting, or if he is a student and he submits a copy of his student I.D. or fee bill with his application to vote by mail. After the application is received by the registrar, the qualifications of the voter are verified, including comparing the signature on the request form to the signature on the voter's voter registration card, and the appropriate ballot is mailed to the requested address. To do this, the displaced voter must know that they have to request the ballot and request it timely. The law allows the registrar to receive requests from 60 days to 96 hours before the election for non-military, and as late as 4:30 p.m. on the day before the election for the military, those that reside overseas and documented hospitalization applicants.

The U.S. Department of Justice has recommended to Secretary Ater that since we are a Voting Rights State, that information should be sent to the displaced voters to inform them of the ways they can participate in the election. We have yet to be appropriated any money to mail this information, and FEMA has repeatedly denied our request for them to either mail it themselves, or give us the funding to do so. Since Secretary Ater's office has now obtained the FEMA list, we are working towards distributing that flyer.

Also, the most mail absentee ballots processed by the Orleans Registrar of Voters is normally less than 200 for any given election, and at most 1,000 during a presidential election. The Registrar is not currently equipped with the equipment, personnel or space to timely process a large volume of requests, or to process a large volume of mail ballots, and we fully expect a large volume for this election. We are working with him now to provide a remedy to that problem.

“We have to know we are technically and mechanically conducting the election in accordance with state and federal law,” Secretary Ater said. “We also know that we are not the voter police and that on a sunny beautiful day under normal circumstances, we may be lucky to get 40 percent turnout for an election. In fact the recent district attorney's primary race in Calcasieu parish only had 19 percent turnout. But, we have to be assured that every registered voter that wants to participate, is able to participate, and that means that we have a reasonable expectation - as reasonable as we can under these extraordinary circumstances - that they have been made aware of how to participate.”

Those interested in working as a poll commissioner on election day, or as absentee commissioner, must contact Clerk of Criminal District Court Kimberly Williamson Butler's office at (504) 827-3520 for information on how to serve.

###